



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL H. DEVER

COMMISSIONERS
SUE HACK
ROBERT CHESTNUT
DENNIS "BOOG" HIGHBERGER
MIKE AMYX

November 4, 2008

The Board of Commissioners of the City of Lawrence met in regular session at 5:30 p.m., in the City Commission Chambers in City Hall with Vice Mayor Chestnut presiding and members Amyx, Hack, and Highberger present. Mayor Dever arrived at approximately 5:45 pm.

RECOGNITION/PROCLAMATION/PRESENTATION:

With Commission approval Vice Mayor Chestnut proclaimed Monday, November 10, 2008, as "Celebrate Marine Corps Birthday" and, recognized City employees who had served or are currently serving in the Armed Forces.

CONSENT AGENDA

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the City Commission meeting minutes of October 21, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to receive the Mental Health Board meeting minutes of September 30, 2008; and the Traffic Safety Commission meeting minutes of October 6, 2008. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve claims to 313 vendors in the amount of \$1,723,635.25. Motion carried unanimously.

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the Drinking Establishment Licenses for El Mezcal Mexican Restaurant, 1819 West 23rd; and Encore, 1007 Massachusetts; the Retail Liquor License for Harper Liquor, 2220 Harper Street



Ste: C; the Caterer License for Far Out Catering; and the Sidewalk Dining Licenses for Aimee's Café, 1025A Massachusetts; and Bourgeois Pig, 6 East 9th Street. Motion carried unanimously.

The City Commission reviewed the bids for 25,000 feet of 8 inch PVC Pipe for the Utilities Department. The bids were:

BIDDER	PRICE PER FOOT	TOTAL BID AMOUNT
Hajoca Corporation	\$6.60	\$165,000
Win Water Co.	\$6.71	\$167,750
Ferguson Enterprises	\$6.74	\$168,500
HD Supply Waterworks	\$6.79	\$169,750
Water Production, Inc.	\$6.94	\$173,500
Mainline Supply	\$6.94	\$173,500
Red Bud Supply	\$10.65	\$264,750

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to award the bid to Hajoca Corporation, in the amount of \$165,000. Motion carried unanimously. **(1)**

The City Commission reviewed the bids for Comprehensive Housing Rehabilitation for 1808 Miller Drive, 1627 East 18th Street, and 1909 Kasold Drive. The bids were:

<u>1808 Miller Drive</u>	
BIDDER	BID AMOUNT
T&J Holdings	\$18,360
Staff Estimate	\$12,500
<u>1627 East 18th</u>	
BIDDER	BID AMOUNT
T&J Holdings	\$29,955
Staff Estimate	\$25,000
<u>1909 Kasold</u>	
BIDDER	BID AMOUNT
T&J Holdings	\$36,450
J. Groene Construction	\$51,469
Staff Estimate	\$25,000

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to award the bid to T&J Holdings for 1808 Miller Drive and 1627 East 18th, and reject the bids for 1909 Kasold Drive because the bids exceeded program limits of \$25,000. Motion carried unanimously. (2)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to approve the renewal of the AT&T Plexar Custom Agreement for phone service at various City facilities for a 36 month term for \$4,636.88 per month. Motion carried unanimously. (3)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to set a bid date of November 18, 2008 for the purchase of 65 fire hydrants, fittings, valves, and accessories and 130, 8 foot gate valves for department performed watermain replacement. Motion carried unanimously. (4)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to adopt on first reading Ordinance No. 8345, rescinding Ordinance No. 7022 which established “no parking” on the east side of Jana Drive between Harvard Road and Holiday Drive. Motion carried unanimously. (5)

Ordinance No. 8329, establishing the maximum assessments for sanitary sewer improvements to serve the Bauer Brook Estates Subdivision, was read a second time. As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to adopt the ordinance. Aye: Amyx, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (6)

Ordinance No. 8330, establishing the maximum assessments for waterline and waterline system improvements to serve the Bauer Brook Estates Subdivision. As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to adopt the ordinance. Aye: Amyx, Chestnut, Hack, and Highberger. Nay: None. Motion carried unanimously. (7)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to concur with the Traffic Safety Commission’s recommendation to deny a request to establish a marked crosswalk on 19th Street at Alabama Street. Motion carried unanimously. (8)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to concur with the Traffic Safety Commission's recommendation to establish "no parking" along the east side of Emerald Drive and to adopt on first reading, Ordinance No. 8346, establishing "no parking" along the north side of Eisenhower Terrace and no parking along the east side of Emerald Drive. Motion carried unanimously. (9)

As part of the consent agenda, **it was moved by Amyx, seconded by Hack**, to authorize the Mayor to sign a Release of Mortgage for Donald and Tina White, 1328 E. 16th Street. Motion carried unanimously. (10)

CITY MANAGER'S REPORT:

During the City Manager's Report, David Corliss said the City and University of Kansas finalized a Letter of Intent; the City received the October sales tax distribution; Parks and Recreation staff was working on various improvement projects at the YSI; the City hosted its 10th Annual Law Update Seminar; and, the Transit System received the NAACP business award. (9)

REGULAR AGENDA ITEMS: None

PUBLIC COMMENT: None

FUTURE AGENDA ITEMS:

- 11/11/08 · ***This is a consent agenda item.*** Approve Comprehensive Plan Amendment CPA-2008-04 to amend Chapter 6-Commercial Land Use – Lawrence- New Commercial Areas and Map 6-1 to correct inconsistencies between map and text. Initiated by Planning Commission in April, 2008 as part of the annual review. Adopt Ordinance No. 8341 on first reading for CPA-2008-04, to amend Chapter 6-Commercial Land Use. (PC Item 2; approved 8-0 on 10/20/08)
- ***This is a consent agenda item.*** Approve Comprehensive Plan Amendment CPA-2008-5, to amend Chapter 6-Commercial Land Use – to correct policy numbers under Goal 3 (duplicate numbers). Initiated by Planning Commission in April, 2008 as part of the annual review. Adopt Ordinance No. 8342 on first reading for CPA-2008-5, to amend Chapter 6-Commercial Land Use. (PC Item 3; approved 8-0 on 10/20/08)
- ***This is a consent agenda item.*** Approve revisions to Downtown Design Guidelines. (PC Item 6; approved 8-0 on 10/20/08)

- ***This is a consent agenda item.*** Accept dedication of easements and rights of way for PP-08-10-08, a Preliminary Plat for Alexeis Addition, a one-lot, 0.16 acre subdivision, located at 825 Illinois Street. Submitted by Dean Grob for Paula Minetti, property owner of record. Variances are requested from Section 20-810(d)(10)(ii) to permit an alley with less than the minimum required right-of-way width of 20 feet and from Section 20-810(d)(10)(iii) to permit an alley that does not comply with the construction standards of the city. (PC Item 9; approved 6-0 on 10/22/08)
- ***This is a consent agenda item.*** Approve Text Amendment TA-08-15-08, an amendment to Section 20-403 and 20-1766 of the Development Code to permit Light Equipment Sales/Rental uses, which includes car rental agencies, as a permitted use in the CN2 (Neighborhood Commercial) zoning district, and to clarify that this use includes an accessory wash bay and storage of vehicles onsite. Initiated by the Lawrence City Commission on August 26, 2008 at the request of Murl Westheffer of The Malls Retail Center/American Real Estate & Investments, Inc. Adopt Ordinance 8344 on first reading for Text Amendment TA-08-15-08, an amendment to Section 20-403 and 20-1766 of the Development Code. (PC Item 11; approved 6-0 on 10/22/08)
- Consider approving Comprehensive Plan Amendment CPA-2008-6, amending Horizon 2020, Chapter 14 Specific Plans, to add a reference to and incorporate the West of K-10 Plan. Adopt Ordinance No. 8340 on first reading for CPA-2008-6. (PC Item 5; approved 6-2 on 10/20/08)

ACTION: Approve CPA-2008-6, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, and adopt on first reading, Ordinance No. 8340, if appropriate.

- ***This is a consent agenda item.*** Approve rezoning Z-08-15-08, a request to rezone a tract of land approximately .134 acres from U (University) to RM32 (Multi-Dwelling Residential), located 1232 Louisiana Street. Initiated by City Commission on 8/12/08. Adopt Ordinance No. 8343 on first reading for Z-08-15-08, a request to rezone 1232 Louisiana Street from U to RM32. (PC Item 1; approved 8-0 on 9/20/08)
 - Conduct public hearing to consider the vacation of an unused utility easement located in Lot 2, Block A, Haddock Addition as requested by property owner McDonald's Corporation.
- ACTION:** Open public hearing and approve Order of Vacation, if appropriate.
- Conduct public hearing to consider the vacation of the east 10' of right-of-way of Arkansas Street adjacent to Lot 70 and the west 25' of Lot 68, in Block 34, West Lawrence Addition as requested by property owners Lawrence E. and Patricia G. Graner
- ACTION:** Open public hearing and approve Order of Vacation, if appropriate.
- KDOT 5 year plan

12/09/08

- Conduct public hearing to discuss the condition of the dilapidated

structure at 1207 E. 13th Street and to consider declaring the structure unsafe and ordering its repair or removal within a specified period of time.

TBD

- Consider the following items related to Lawrence SmartCode:
 - a) Consider approval of CPA-2007-6, a Comprehensive Plan Amendment to Horizon 2020 by creating Chapter 15 – Place Making to ensure proper comprehensive plan language is in place for the proposed Lawrence SmartCode in the City of Lawrence. (PC Item 13; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-6, an amendment to Horizon 2020 by creating Chapter 15 - Place Making, if appropriate.
 - b) Consider approval of CPA-2007-7, a Comprehensive Plan Amendment to Horizon 2020, Chapter 14 Specific Plans, to add a reference to the Lawrence SmartCode Infill Plan. (PC Item 14; approved 8-0 on 5/21/08)

ACTION: Approve CPA-2007-7, an amendment to Horizon 2020, Chapter 14 Specific Plans, if appropriate.
 - c) Consider adopting Text Amendment TA-11-24-07 regarding the Lawrence SmartCode and, Pursuant to the provisions of K.S.A. Chapter 12, Article 7, enacting a new Chapter 21 of the Code of the City of Lawrence, Kansas, establishing comprehensive zoning regulations and other land use regulations. The “Lawrence SmartCode” is an optional development code that is parallel to the City’s existing zoning and subdivision regulations and affects all property within the corporate limits of the City of Lawrence, Kansas. Copies of the “Lawrence SmartCode” are available for review at the Office of the Lawrence-Douglas County Planning Department, City Hall, 6 E. 6th Street, Lawrence, Kansas. The “Lawrence SmartCode” is also available at www.lawrenceplanning.org. Adopt Ordinance No. 8286 on first reading regarding TA-11-24-07 for the Lawrence SmartCode. (PC Item 15; approved 8-0 on 5/21/08)

ACTION: Approve TA-11-24-07 regarding the Lawrence SmartCode and adopt Ordinance No. 8286, if appropriate.
- K-10 and Farmer’s Turnpike Plan. [10/06/08 Draft Plan](#)
- Consider authorization of City contribution toward site work for the 87 acre tract adjacent to the East Hills Business Park. [DCDI Letter](#) [ECO2 Letter](#)
- Consider changes to the sidewalk snow and ice removal ordinance and enforcement program. [Staff Memo and Attachments](#)
- Consider changes recommended by the Eco2 Commission to be adopted into the Eco2 Plan for Douglas County. [Plan with Changes](#)
- Status update on Baldwin Woods Open Space Project. [Eco2 Request](#)
- Approve Text Amendment TA-06-12-08, to Section 20-810 of the

Subdivision Regulations to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved. Initiated by County Commission June 23, 2008. Adopt Ordinance No. 8317 on first reading for TA-06-12-08, to Section 20-810 of the Subdivision Regulations. (PC Item 3; approved 7-0 on 8/25/08)

- Consider approving Text Amendment TA-12-27-07, revisions to multiple sections of the City Development Code to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. TA-12-27-07 with revisions to Sections 20-1101, 20-1109 & 20-1701 PC; item 18; approved 7-1-1 on 7/23/08 meeting. TA-12-27-07 with revisions to Sections 20-701 and 20-702 to maintain consistency throughout the Code; PC item 9; approved 7-0 on 9/24/08)

ACTION: Approve Text Amendment TA-12-27-07, revisions to Sections 20-701, 20-702, 20-1101, 20-1109 and 20-1701 of the City Development Code to revise Protection Standards for Environmentally Sensitive Areas and provide more precise definitions, if appropriate.

- Adopt on first reading, [Ordinance No. 8300](#), incorporating by reference, a Text Amendment (TA-04-03-08), to Chapter 20 of the Lawrence City Code (Land Development Code) to define and permit various homeless facilities. (Text Amendment approved by City Commission on 10/14/08).
- Consider agreement for the use of public parking spaces for construction staging for 123 W. 8th Street.
- 2009 Legislative Priority Statement.

COMMISSION ITEMS: None

Moved by Amyx, seconded by Highberger, to adjourn at 5:45 p.m. Motion carried unanimously.

APPROVED:

Michael H. Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

CITY COMMISSION MEETING OF NOVEMBER 4, 2008

1. Bid – PVC Pipe for Utilities to Hajoca Corp for \$165,000.
2. Bid – Housing Rehab for 1808 Miller Dr & 1626 E 18th to T&J Holdings and reject bid for 1909 Kasold Dr.
3. Bid Date – Watermain replacements on Nov 18th.
4. Ordinance No. 8345 – 1st Read, “No Parking”, E side of Jana between Harvard & Holiday.
5. Ordinance No. 8329 – 2nd Read, Max Assess for Bauer Brook Estates sanitary sewer.
6. Ordinance No. 8330 – 2nd Read, Max Assess for Bauer Brook Estates waterline.
7. TSC – Deny marked crosswalk on 19th at Alabama.
8. Ordinance No. 8346 – 1st Read, TSC – no parking N side of Eisenhower & E side of Emerald.
9. City Manager’s Report.